

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

IVAN RODRIGUEZ,

Defendant.

Case No. 1:94-CR-0313 (CSH)

**APRIL 11, 2023**

**MEMORANDUM AND ORDER**

**HAIGHT, Senior District Judge:**

*Pro se* petitioner Ivan Rodriguez, a prisoner currently incarcerated at U.S.P. Canaan in Waymart, Pennsylvania, has moved for "compassionate release" from prison, a "sentence reduction" under 18 U.S.C. § 3582(c)(1)(A). Doc. 933. In that motion, he states that he is "75 years old" and has "suffered two . . . strokes and two heart attacks while incarcerated." *Id.* at 5. He also presently suffers from "epilepsy, sinusitis, sleep apnea, . . . glaucoma and cataracts in both eyes." *Id.* Due to his "deteriorating health," he is concerned that he is at risk of "dangers posed by COVID-19, including death." *Id.* He also asserts that he has "been incident free [in prison] for the past 13 years" and is "not a danger to the safety of any other person or the community." *Id.* Under these circumstances, Petitioner seeks compassionate release from prison.

Because this motion seeks relief which is duplicative of that sought in his prior "Motion for Modification of Imprisonment" [Doc. 920] – *i.e.*, modification of his term of life imprisonment under 18 U.S.C. § 3582 – the Court DENIES that prior motion [Doc. 920] as MOOT and further

ORDERS the United States Attorney for the Southern District of New York ("SDNY") to respond to Rodriguez's present motion [Doc. 933] within thirty (30) days of the entry of this Order. If the United States also wishes the Court to consider its "Memorandum in Opposition" [Doc. 922] to the Petitioner's prior motion [Doc. 920], or any part thereof, with respect to the present motion, the United States Attorney may so indicate. Any reply by the Petitioner shall be due within twenty-one (21) days after the filing of the United States Attorney's response.

The Clerk of the Court shall serve, by certified mail, return receipt requested, a copy of this Order, Rodriguez's motion [Doc. 933], and any underlying documents upon the United States Attorney for the SDNY.

It is SO ORDERED.

Signed: New Haven, Connecticut  
April 11, 2023

/s/Charles S. Haight, Jr.  
CHARLES S. HAIGHT, JR.  
Senior United States District Judge